

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Servants - Revenue Department - Allegations of corruption against Sri V.Pundarikachary, Deputy Mandal Revenue officer, Vayalpadu Mandal, Chittoor District (now Retired) - Departmental proceedings conducted under Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules 1991- Charges held proved - Imposition of 100% cut in pension & gratuity permanently - Orders of the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.5896/2012 dated 14.08.2014 - implemented - orders -Issued.

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REVENUE (VIGILANCE.III.2) DEPARTMENT

G.O.RT.No. 1042.

Dated: 20-11-2014

Read the following:-

- 1) From the D.G., A.C.B, Hyd, RC.No.199/RCT-TCT/2005, dt.17.05.2006.
- 2) Government Memo.No.51695/Vig.II(1)/05-2, dt.2.06.07.
- 3) From the C.C.L.A., Hyd, Letter No.VS-I(5)/2499/ 2005, dt.19.12.2009.
- 4) G.O Rt. No.733 Revenue (Vig.II(1)) Department dated.09.05.2012.
- 5) Orders of Hon'ble APAT dt. 14.8.2014 in O.A.No.5896/14 filed by Sri V. Pundarikachary, MRO (Retd)

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ORDER:

In the reference 1st read above, the Director General, Anti-Corruption Bureau has reported that Sri S.Jaya SekharRaju, Mandal Revenue Officer and Sri V.Pundarika Chary, Deputy Mandal Revenue Officer, Vayalpadu Mandal, Chittoor District were trapped by the Anti-Corruption Bueau authorities on 27.10.2005 for demand and acceptance of illegal gratification from Sri Avala Amarnadha Reddy, Budidavedu Village of Vyalpadu for doing an official favour. The Director General, Anti-Corruption Bureau has recommended to prosecute the above Accused Officers in a Court of Law. After examining the matter, Government have issued orders to initiate departmental action against the above Accused Officers instead of Prosecution and requested the Chief Commissioner of Land Administration to initiate departmental proceedings against the above Accused Officer after obtaining article of charges etc., from the Director General, Anti-Corruption Bureau, Hyderabad vide reference 2nd read above.

2. In the reference 3rd read above, the Chief Commissioner of Land Administration, Hyderabad has furnished copy of the enquiry report to conclude the disciplinary proceedings under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 as the Charged Officer retired from service on 31.08.2008. The Enquiry Officer in his report has held that the charges against Sri V.Pundarika Chary, Deputy Mandal Revenue Officer, Vayalpadu Mandal, Chittoor District are proved. Government have communicated the Enquiry Report to Sri V. Pundareekachari and directed to submit explanation on the findings of the Enquiry Officer. The C.O have submitted his explanation stating that he is innocent and requested to drop the charge sympathetically. Government after following the due procedure have imposed the punishment of withholding 100% pension and gratuity permanently against Sri V. Pundarikachari Dy MRO (Retd) vide reference 4th read above.

3. Aggrieved by the above orders, Sri V.Pundarikachari, Dy.M.R.O.(Retd) has approached the A.P.A.T. and filed OA No 5896/2012 with a prayer to suspend the proceedings in G.O.Rt.No.733 Revenue (Vig.II) Dept. dt. 9-5-2012. The Hon'ble APAT in its final orders dated 14/8/2014 among others while quoting the Apex court Judgments have ordered as follows:

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“In the above judgment, the Honourable Supreme Court observed that respondents should not have taken a final decision on the basis of the exp-parte report, without giving opportunity to the delinquent.

In the present case, the applicant is now 64 years of age. He retired from service on attaining the age of superannuation long ago.

Coming to the question whether the matter should be remitted back to the Disciplinary Authority for fresh enquiry, the applicant is now about 65 years of age. He retired from service long ago. The enquiry was initiated in 2008. Six years have already elapsed. As such, we are of the view that remitting the matter back to the Disciplinary Authority for fresh enquiry would result in undue hardship to the applicant. As such, we hold that no opportunity should be given to the respondents to proceed with the enquiry again, against the applicant. This point is answered accordingly.

POINT NO.2: For the reasons stated in point No.1, this O.A., is allowed. The impugned Proceedings issued in G.O.Ms.No.733, Revenue (Vigilance-II) Department, dated 9-5-2012, by the 1st respondent are set aside with a direction to the respondents to release the withheld pension and pensionary benefits of the applicant within a period of 8 weeks from the date of receipt of a copy of this order. No costs.”

4. Government after examining the orders of Hon’ble Andhra Pradesh Administrative Tribunal dated 14.08.2014 in O.A.No.5896/2012 filed by Sri V.Pundarikachary, Deputy Mandal Revenue officer, Vayalpadu Mandal, Chittor District (now Retired) have decided to implement the same.

5. Accordingly, Government hereby order to implement the orders of the Hon’ble Tribunal in O.A.No.5896/2012 dated 14.08.2014 Sri V.Pundarikachary, Deputy Mandal Revenue officer, Vayalpadu Mandal, Chittor District (now Retired).

6. The Chief Commissioner of Land Administration, AP, Hyderabad is requested to take necessary action accordingly, and to release pension and pensionary benefits of Sri V.Pundarikachary, Deputy Mandal Revenue officer, Vayalpadu Mandal, Chittor District (now Retired) immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri V.Pundarikachary, Deputy Mandal Revenue officer, Vayalpadu Mandal, Chittor District (now Retired) (through the Chief Commissioner of Land Administration, AP, Hyderabad with a request to serve on him and return the served copy to Government)

The Chief Commissioner of Land Administration, AP, Hyderabad

Copy to

The District Collector, Chittoor

The Accountant General, Andhra Pradesh, Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad

The Government Pleader for Revenue Services APAT, Hyderabad with reference to orders of APAT dated 14.08.2014 in O.A.No.5896/2012 filed by Sri V.Pundarikachary, Deputy Mandal Revenue officer

The File

//FORWARDED:: BY ORDER//

SECTION OFFICER